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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/665,877	09/19/2003	Toru Hanaoka	275412001700	6778

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MORRISON & FOERSTER LLP  
755 PAGE MILL RD  
PALO ALTO, CA 94304-1018

EXAMINER
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MAGEE, CHRISTOPHER R

ART UNIT	PAPER NUMBER
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2627

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	02/26/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

## Office Action Summary

Application No.

10/665,877

Applicant(s)

HANAOKA ET AL.

Examiner

Christopher R. Magee

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 21 November 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1 and 3-16 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 16 is/are allowed.
- 6) ☒ Claim(s) 1,3-7 and 9-15 is/are rejected.
- 7) ☒ Claim(s) 8 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date 9/29/06.
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- ☐ Notice of Informal Patent Application
- ☐ Other: \_\_\_\_\_.

## **DETAILED FINAL OFFICE ACTION**

### ***Response to Amendment***

1. The reply filed 11/21/2006 was applied to the following effect: All relevant objections are withdrawn as being satisfied.

### ***Information Disclosure Statement***

2. The information disclosure statement(s) (IDS) submitted on 9/29/2006 is/are in compliance with the provisions of 37 CFR 1.97. Accordingly, the examiner has considered the information disclosure statement.

### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

- Claims 1, 3-7 and 9-15 are rejected under 35 U.S.C. 102(b) as being anticipated by the Applicant's Admitted Prior Art (hereinafter AAPA) (Description of Related Art, pages 1-8; Figures 11-16).

- Regarding claim 1, AAPA teaches an optical pickup apparatus comprising:
  - a plurality of optical components including a light emitting element 2 which emits working light for recording or reproducing information with respect to a recording medium (Figure 12);

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a housing 6 for mounting therein the optical components;  
a first wiring board 15, which is electrically connected to the light-emitting element,  
wherein at least one of the optical components 2A is made positionally adjustable,  
and wherein the first wiring board has an opening portion 15a formed in an area thereof  
which is located in proximity to the positionally-adjustable optical element 2A (Figures 14-16)  
and wherein, in the first wiring board 15, the opening portion is formed in an area facing toward  
part of the positionally-adjustable optical component 2A that undergoes significant displacement  
at the time of positional adjustment to the optical component (Figure 15).

- Regarding claim 3, AAPA shows a gap is created between the positionally-adjustable  
optical component and the housing arranged adjacent to the optical component,

and wherein the first wiring board has an opening portion formed in an area thereof,  
which faces toward the gap (Figure 15).

- Regarding claim 4, AAPA discloses a pressing member 16 for preventing the first wiring  
board from being displaced in a direction such as to move away from the optical component  
(Figure 14).

- Regarding claim 5, AAPA teaches the first wiring board 15 is formed as a flexible wiring  
board (Description of Related Art, page 4).

- Regarding claim 6, AAPA teaches the positionally-adjustable optical component includes  
a light emitting element which has a diffraction grating integrally formed therewith for making  
working light beams converge at a plurality of positions on a recording medium (Description of  
Related Art, pages 2-3).

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- Regarding claim 7, AAPA shows a rotatable holder for accommodating the optical component,

wherein the optical component can be positionally adjusted by the rotation of the holder (Figure 16).

- Regarding claims 9 and 10, AAPA teaches the positionally adjustable optical component includes a light-receiving element 7 (Description of Related Art, page 2).

- Regarding claim 11, AAPA shows the opening portion of the flexible wiring board is slit shaped (Figure 14).

- Regarding claim 12, AAPA shows the opening portion of the flexible wiring board is formed as a notch extending over the outer edge of the first wiring board (Figures 14 and 15).

- Regarding claim 13, AAPA teaches a method for adjusting an optical pickup apparatus composed of a plurality of optical components including a light emitting element 2 which emits working light for recording or reproducing information with respect to a recording medium (Figure 12), a housing 6 for mounting therein the optical components; and a first wiring board 15 which is electrically connected to the light emitting element, comprising the steps of: of optical components including a light emitting element 2 which emits working light for recording or reproducing information with respect to a recording medium (Figure 12); a housing 6 for mounting therein the optical components; and a first wiring board 15 which is electrically connected to the light emitting elements, comprising the steps of :

making at least one of the optical components positionally adjustable;

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forming an opening portion in an area of the first wiring board which faces toward part of the optical component which part undergoes significant displacement at the time of positional adjustment; and

adjusting the position of the positionally adjustable optical component by means of an adjustment tool inserted externally through the opening portion (Description of Related Art, page 7).

- Regarding claims 14 and 15, AAPA teaches a method for adjusting an optical pickup apparatus composed of a plurality of optical components including a light emitting element 2 which emits working light for recording or reproducing information with respect to a recording medium (Figure 12), a housing 6 for mounting therein the optical components; and a first wiring board 15 which is electrically connected to the light emitting element, comprising the steps of” of optical components including a light emitting element 2 which emits working light for recording or reproducing information with respect to a recording medium (Figure 12); a housing 6 for mounting therein the optical components; and a first wiring board 15 which is electrically connected to the light emitting elements, comprising the steps of :

making at least one of the optical components positionally adjustable;

forming an opening portion in an area of the first wiring board which faces toward part of the optical component that undergoes significant displacement at the time of positional adjustment; and

bonding the positionally adjustable optical component to the housing by applying an adhesive through the opening portion (Description of Related Art, page 7).

***Allowable Subject Matter***

4. Claim 8 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

5. Claim 16 is allowed. The following is a statement of reasons for the indication of allowable subject matter: Claim 16 specifies an optical pickup apparatus which requires “*a second wiring board that is electrically connected to the first wiring board, is made rotatable, and has the optical component mounted thereon, and wherein the optical component can be positionally adjusted by the rotation of the second wiring board.*” The prior art of record fails to fairly, teach, show or suggest, by either anticipating or rendering obvious, the invention as set forth in the claims of the instant application. Furthermore, a search made does not detect the combined claimed elements as set forth in the pending claims. Additionally, the reasons for allowance of the claims over the prior art of record is believed to be readily clear, self evident and apparent from the claim language set forth in each of claim 16, when compared and contrasted with the prior art.

More particularly, the instant invention (as set forth in claim 16) provides for an optical pickup apparatus which requires “*a second wiring board that is electrically connected to the first wiring board, is made rotatable, and has the optical component mounted thereon, and wherein the optical component can be positionally adjusted by the rotation of the second wiring board.*” None of the cited prior art of record disclose such an optical pickup, as set forth in the manner, function and relationship relative to other claimed structures as prescribed by the independent claims.

Therefore, these features, in combination with other features of claim 16, are not anticipated by, nor made obvious over, the noted prior art of record.

### ***Response to Arguments***

6. Applicant's arguments filed 11/21/2006 have been fully considered but they are not persuasive. The Applicant asserts on page 7:

*"Claim 1 as amended now recites the subject matter of original Claim 2, with a clarification. Hence, the final clause of Claim 1 now recites "wherein, in the first wiring board, the opening portion is formed in an area facing toward part of the positionally-adjustable optical component which part undergoes significant displacement at the time of positional adjustment to the optical component." Note that Claim 1 as amended recites "which part" rather than "that" as in original Claim 2 to make it clearer where the significant displacement takes place."*

The Examiner maintains the AAPA shows the first wiring board 15, the opening portion is formed in an area facing toward part of the positionally-adjustable optical component 2A that undergoes significant displacement at the time of positional adjustment to the optical component (Figure 15). Therefore the rejection of claim 1 is upheld.

### ***Conclusion***

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period



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will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christopher R. Magee whose telephone number is (571) 272-7592. The examiner can normally be reached on M-F, 8: 00 am-4: 30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrea Wellington can be reached on (571) 272-4483. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



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February 17, 2007  
crm